

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

DECISION RECORD
CATEGORICAL EXCLUSION REVIEW

Background: The Bureau and Transition Management, Inc. wish to acquire new legal access rights needed for the management of their respective lands and believe that a reciprocal right-of-way agreement is the most efficient way to meet their respective needs.

Proposed Action: The proposed action is 1) entering into Right-of-Way and Road Use Agreement E-952 and O&C Logging Road Right-of-Way Permit E-952, as described in the attached draft documents; 2) consolidating existing O&C Logging Road Right-of-Way Permits E-501 and E-544 and reciprocal agreement E-670 into the new E-952 reciprocal agreement, and 3) releasing the rights of the United States in Right-of-Way and Road Use Agreement E-670. The actions would accomplish the following:

1. Acquire new legal access for BLM over 190 acres of Transition Management, Inc. land and additional Transition-controlled roads over lands in Sections 30 and 31, T. 16 S., R. 6 W., W.M. This would allow the Bureau to use existing roads and/or construct new roads across these Permittee lands to access public lands. Any future BLM road use or new construction would be assessed by separate NEPA analyses prior to making a decision to approve such future road use or construction.
2. Grant new permanent access rights to Transition over Fisk Road in Section 31, T. 16 S., R. 6 W., W.M. and Section 36, T. 16 S., R. 7 W., W.M. Transition has had previous access over portions of this road under temporary road use permits. This action would give Transition permanent rights to use Fisk Road for access to its ownership in Sections 30 and 31, T. 16 S., R. 6 W., W.M. (approximately 1120 acres). New permanent access rights will also be granted to Transition over Road No. 16-7-12.1 in Sections 12 and 13, T. 16 S., R. 7 W., and Road No. 16-7-14 in Sections 13, 14, 15, and 22, T. 16 S., R. 7 W., W.M. This action would give Transition permanent rights to use the Road Nos. 16-7-12.1 and 16-7-14 for access to its ownership in Section 22, T. 16 S., R. 7 W., (approximately 80 acres). New permanent access rights will also be granted to Transition over Price Road in Section 13, T. 17 S., R. 7 W., and Section 18, T. 17 S., R. 6 W., W.M. This action would give Transition permanent rights to use Price Road for access to its ownership in Section 14, T. 17 S., R. 7 W., W.M. (Approximately 160 acres). New permanent access rights will also be granted to transition over Road No. 20-4-7.1 in Sections 32 and 33, T. 19 S., R. 4 W., and Sections 4, 5, 6, and 7, T. 20 S., R. 4 W., W.M. This action would give Transition permanent rights to use the Road No.

20-4-7.1 for access to its ownership in Section 32, T. 19 S., R. 4 W., W.M. (Approximately 80 acres). The proposed E-952 permit incorporates all the currently-required environmental language and includes provisions required by the current Programmatic Biological Opinion of the FWS for the right-of-way program (see Schedule A-1 attached to the draft permit).

3. Consolidate existing perpetual O&C Logging Road Right-of-Way Permits E-501 and E-544 and reciprocal agreement E-670 into the new E-952 reciprocal agreement. This action transfers existing rights into the new E-952 reciprocal agreement. No new access rights are granted to either party through this portion of the proposed action.
4. Upon completion of the new reciprocal agreement, BLM would release its rights under existing Right-of-Way and Road Use Agreement E-670.

Decision: It is my decision to 1) enter into Right-of-Way and Road Use Agreement E-952 and O&C Logging Road Right-of-Way Permit E-952, as described in the attached draft documents; 2) consolidate existing O&C Logging Road Right-of-Way Permits E-501 and E-544 and reciprocal agreement E-670 into the new E-952 reciprocal agreement, and 3) release the rights of the United States in Right-of-Way and Road Use Agreement E-670. Authority for these actions is Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1767).

Rationale: The proposed action meets the criteria for the categorical exclusion in 516 DM 6, Appendix 5.4E(16) (acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes), and none of the exceptions in 516 DM 2, Appendix 2, apply. Further, the action is in conformance with the "Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl" (April 1994), the "Eugene District Record of Decision and Resource Management Plan" (May 1995).

No new road construction on public land would result from approval of this action.

Prepared by: /s/ Ronald O. Wold Date: 6/2/2003

Approved by: /s/ Steven Calish Date: 6/3/2003
Siuslaw Field Manager

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT

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RWA-E-952

CATEGORICAL EXCLUSION REVIEW
Exception Criteria Review Checklist

Proposed Action: To enter into reciprocal right-of-way agreement E-952 as described on the preceding pages.

Review the proposed action against each of the ten criteria listed below. If the project meets one or more of the criteria, it is an exception from categorical exclusion and MUST be analyzed in an EA or EIS. To qualify as a Categorical Exclusion the proposed action may not meet any of the criteria. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.

<u>Exception Criteria</u>		<u>Comments</u>
1.	Have significant adverse effects on public health or safety	
2.	Have adverse effects on unique resources (i.e., parks, recreation, refuge lands, wilderness areas, wild or scenic rivers, wetlands, floodplains, etc.)	
3.	Have highly controversial environmental effects	
4.	Have highly uncertain environmental effects or involve unique or unknown environmental risks	
5.	Establish a precedent that could result in significant impacts	
6.	Be directly related to other actions having cumulatively significant effects	
7.	Have adverse effects on cultural or historical resources	
8.	Have adverse effects on species listed or proposed as threatened or endangered or have adverse effect on designated critical habitat for these species.	
9.	Require compliance with E.O. 11988 (floodplain management), E.O. 11990 (protection of wetlands), or the Fish & Wildlife Coordination Act	
10.	Threaten to violate Federal, State, Local or Tribal law or requirements imposed for the protection of the environment	
Mitigation measures needed to qualify as CE:		

Reviewed By: /s/ Gary Hoppe

Date: 6/3/2003

Above mitigation measures have been adopted and will be implemented.

Field Manager: /s/ Steven Calish

Date: 6/3/2003

OR 090-1791-5
(June 1993)